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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------------|---------------------|------------------|
| 10/602,145 | 06/24/2003 | Charles Donald Montgomery JR. | AFIBU.0102 | 9904 |

7590 04/20/2007
David W. Carstens
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| EXAMINER |
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ROSE, KERRI M

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| ART UNIT | PAPER NUMBER |
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2616

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/20/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/602,145

Applicant(s)

MONTGOMERY, CHARLES
DONALD

Examiner

Kerri M. Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,12-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,5-9,11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:
 - a. Figure 2 elements 231 and 233, fig. 3. 331, 333, fig. 5.540-543, fig. 6.623-624, fig. 9.910-930, fig. 10.1010, fig. 12.1202, and fig. 14.1400 are not in the drawings.
 - b. Figure 12 element 1207 is not in the specification
 - c. In figure 11 the numbers are not clearly pointing to elements
 - d. Figure 2 has 301 instead of 201
 - e. Figure 2 has 201? written at the bottom.

Please check over all drawings to ensure any other mistakes were not overlooked. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 12 is objected to because of the following informalities: In line 7 the claim states: "an indication of path reservation and an indication of a --- for the path reservation." The

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symbol --- has been inserted to indicate the presence of a missing word. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 10, 12-14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tancevski (US 2006/0092958).
4. In regards to claim 1, Tancevski discloses a network comprising: a plurality of data channels (figure 2 element 24); a control channel (fig. 2.22); tokens which pass between nodes on the control channel (fig. 4.30); wherein tokens advertise availability of receivers at a destination node and notify a source when a transmission did not succeed (paragraph 27).
5. In regards to claim 2, Tancevski discloses the network of claim 1, wherein nodes evaluate the tokens to determine if a data payload is destined for and substantially simultaneously arriving at that node on one of the data channels (Figure 6 indicates each node monitors the status of every other node. Each node knows which nodes and transmitting and which nodes are receiving the transmissions, including themselves. As described in paragraph 26, the round trip time for a token is as little as 50 microseconds. This is sufficiently small to be simultaneous.)
6. In regards to claim 4, Tancevski discloses the network of claim 1, wherein each node of the network has fewer transmitters and receivers than data channels (Paragraph 27 indicates some or all stations are tunable to only a subset of the channels).

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7. In regards to claim 10, Tancevski discloses the network of claim 1, wherein transmitting nodes reserve apparently available receivers at downstream nodes without external confirmation (paragraph 24, node reserves a channel without any outside confirmation).

8. In regards to claim 12, Tancevski discloses a network comprising: a plurality of data channels (figure 2 element 24); a control channel (fig. 2.22); tokens which pass between nodes on the control channel (fig. 4.30); wherein nodes evaluate the tokens to determine if a data payload is destined for and substantially simultaneously arriving at that node on one of the data channels (Figure 6 indicates each node monitors the status of every other node. Each node knows which nodes and transmitting and which nodes are receiving the transmissions, including themselves. As described in paragraph 26, the round trip time for a token is as little as 50 microseconds. This is sufficiently small to be simultaneous.); and wherein each token includes an indication of a path reservation and an indication of a for the path reservation (Figure 6 indicates that each token includes information as to which channel is being used by each node.).

9. In regards to claim 13, Tancevski discloses the network of claim 12, wherein tokens advertise availability of receivers at a destination node and notify a source when a transmission did not succeed (paragraph 27).

10. In regards to claim 14, Tancevski discloses the network of claim 12, wherein each node of the network has fewer transmitters and receivers than data channels (Paragraph 27 indicates some or all stations are tunable to only a subset of the channels).

11. In regards to claim 16, Tancevski discloses the network of claim 12, wherein transmitting nodes reserve apparently available receivers at downstream nodes without external confirmation (paragraph 24, node reserves a channel without any outside confirmation).

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12. In regards to claim 17, Tancevski discloses the network of claim 12, wherein the network comprises a ring topology (fig. 1).

Allowable Subject Matter

13. Claims 18-21 are allowed.


14. Claims 3, 5-9, 11, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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